Amendment No. 1 to SB3181

Kilby
Signature of Sponsor

AMEND   Senate Bill No. 3181*   **House Bill No. 3397**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-609, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-16-609. (a) It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person:

(1) Has been lawfully issued a criminal summons pursuant to § 40-6-215;

(2) Has been lawfully commanded to appear for booking and processing pursuant to a criminal summons issued in accordance with § 40-6-215.

(3) Has been lawfully issued a citation in lieu of arrest under § 40-7-118;

(4) Has been lawfully released from custody, with or without bail, on condition of subsequent appearance at an official proceeding or penal institution at a specified time or place; or

(5) Knowingly goes into hiding to avoid prosecution or court appearance.

(b) It is a defense to prosecution under this section that:

(1) The appearance is required by a probation and parole officer as an incident of probation or parole supervision; or

(2) The person had a reasonable excuse for failure to appear at the specified time and place.

(c) Nothing in this section shall apply to witnesses.

(d) If the occasion for which the defendant's appearance is required is a misdemeanor or is a violation of subsection (a)(2), failure to appear is a Class A misdemeanor.

(e) If the occasion for which the defendant's appearance is required is a Class A misdemeanor or a felony, failure to appear is a Class E felony.

(f) Any sentence received for a violation of this section may be ordered to be served consecutively to any sentence received for the offense for which the defendant failed to appear.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.